

Goldthwaite Independent School District

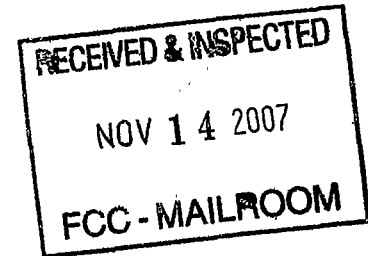
1509 Hannah Valley Road
Phone 325-648-3531

P. O. Box 608

Goldthwaite, Texas 76844
Fax 325-648-2456



Soaring High in Education



November 1, 2007

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

RE: CC Docket No. 02-06

CC: 02-6

Entity appealing:

Goldthwaite ISD
Billed Entity Number: 141161
Contact: Jenice Benningfield PO Box 608 Goldthwaite, Texas 76844
Phone: 325-648-3531
Fax: 325-648-2456
Email: jbenningfield@gisd.centex-edu.net

Decision appealed:

Administrator's Decision On Appeal – Funding Year 2003-2004
Date of document: 10/01/2007
471 Application # 344731
FRN's: 928977 & 928981

Goldthwaite ISD is seeking a Request for Review from the FCC.

Regarding funding year 2003-2004, FRN's 928977 & 928981 were approved in full. However, approximately four years passed and Goldthwaite ISD received a Notification of Commitment Adjustment Letter dated April 23, 2007. This letter stated that Goldthwaite ISD failed to post a new FCC Form 470 before extending its existing contract and failed to comply with the competitive bidding requirements therefore funding for FRN's 928977 & 928981 is being rescinded. Follow-up letters from USAC dated July 31, 2007 and August 23, 2007 stated that Goldthwaite ISD did not post for the requested category of service (Internet Access).

In response to the USAC letters, Goldthwaite ISD submitted three letters dated June 18, 2007; August 13, 2007; and September 6, 2007. These letters clearly outline and document how Goldthwaite posted a new FCC 470, requested a category of service for Internet Access Service and complied with competitive bidding requirements. However, Goldthwaite ISD received a denial letter on October 1, 2007 regarding their appeal.

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List A B C D E

Considering that Goldthwaite ISD has shown a good faith effort to comply with all competitive bidding requirements this is not a case of waste, fraud or abuse but a clerical error. For that reason Goldthwaite ISD is respectfully requesting the FCC to review the attached documents and direct USAC to restore full funding for FRN's 928977 & 928981.

Questions concerning this request can be directed to Jenice Benningfield at 325-648-3531.

Sincerely,

A handwritten signature in cursive script that reads "Jenice Benningfield".

Jenice Benningfield
Technology Director
Goldthwaite ISD

Attachments: Form 470, Block 2 Item #8
Form 471, Block 5

City Kerrville	State TX	Zip Code 5Digit 78028	Zip Code 4Digit
<input type="radio"/> 6c. Telephone Number (10 digits + ext.) (830) 895- 5711			
<input type="radio"/> 6d. Fax Number (10 digits) (830) 895- 1584			
<input type="radio"/> 6e. E-mail Address (50 characters max.) jobenson@ktc.com			

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

- a. ☒ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.
- b. ☒ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.
- c. ☒ Services for which a new written contract is sought for the funding year in Item 2.
- d. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a qualified contract for all or part of the funding year in Item 2 do NOT require filing of Form 470. A qualified contract is a signed, written contract executed pursuant to posting a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract.

8 ☒ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

- a. ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at
or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.
- b. ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services, and remember that only common carrier telecommunications companies can provide these services under the universal service support mechanism. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
POTS and Long Distance Service	42 existing lines & at least 2 additional needed
Internet Access Service	2 special access lines (T-1) & 0 additional needed
Distance Learning Service	1 existing T-1 line & 0 additional needed
Data Lines	2 existing & at least 2 additional needed

9 ☐ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

- a. ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at
or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.
- b. ☐ NO, I do not have an RFP for these services.

FRN: 928977 FCDL Date:	
11. Category of Service: Internet Access	12. 470 Application Number: 906510000296580
13. SPIN: 143004099	14. Service Provider Name: Central Texas Communications, Inc.
15. Contract Number: N/A	16. Billing Account Number: 915-555-1024
17. Allowable Contract Date: 10/24/2000	18. Contract Award Date: 12/13/2000
19a. Service Start Date: 07/01/2003	19b. Service End Date:
20. Contract Expiration Date: 06/30/2004	
21. Attachment #: GOL0602	22. Block 4 Worksheet No.: 435333
23a. Monthly Charges: \$300.00	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$300.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$3,600.00	
23f. Annual non-recurring (one-time) charges: \$0.00	23g. Ineligible non-recurring amt.: \$0.00
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$3,600.00	
23j. % discount (from Block 4): 65	
23k. Funding Commitment Request (23i x 23j): \$2,340.00	

FRN: 928981 FCDL Date:	
11. Category of Service: Internet Access	12. 470 Application Number: 906510000296580
13. SPIN: 143004099	14. Service Provider Name: Central Texas Communications, Inc.
15. Contract Number: N/A	16. Billing Account Number: 915-555-1024
17. Allowable Contract Date: 10/24/2000	18. Contract Award Date: 12/13/2000
19a. Service Start Date: 07/01/2003	19b. Service End Date:
20. Contract Expiration Date: 06/30/2004	
21. Attachment #: GOL0602	22. Block 4 Worksheet No.: 435333
23a. Monthly Charges: \$177.75	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$177.75	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$2,133.00	
23f. Annual non-recurring (one-time) charges: \$0.00	23g. Ineligible non-recurring amt.: \$0.00
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$2,133.00	
23j. % discount (from Block 4): 65	
23k. Funding Commitment Request (23i x 23j): \$1,386.45	

FRN: 928985 FCDL Date:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 213660000020125
13. SPIN: 143004099	14. Service Provider Name: Central Texas Communications, Inc.
15. Contract Number: N/A	16. Billing Account Number: 915-648-3055
17. Allowable Contract Date: 03/10/1998	18. Contract Award Date: 04/08/1998

Attached are response letters to USAC dated June 18, 1007; August 13, 2007; and September 6, 2007.

June 18, 2007

Letter of Appeal
Schools and Libraries Division
Dept. 25 – Correspondence Unit
100 South Jefferson Road
Whippany, NJ 07981

RE: Appeal

Entity appealing:

Goldthwaite Independent School District
BEN: 141161
Jenice Benningfield
1509 Hanna Valley Road
PO Box 608
Goldthwaite, Texas 76844
Phone: 325-648-3531
Fax: 325-648-2456
Email address: jbenningfield@gisd.centex-edu.net

Decision appealed:

Notification of Commitment Adjustment Letter
Date of Document: April 23, 2007
Funding Year 2002
471 Application # 291045
FRN: 743654 & 743662
SPIN: 143004099

Subject of the Appeal:

According to the Commitment Adjustment Letter, FRN 743654 & 743662 are denied because Goldthwaite ISD failed to post a new FCC Form 470 before extending its existing contract and therefore failed to comply with the competitive bidding requirements.

Explanation:

The explanations and documents presented below clearly show the intent and good faith effort of Goldthwaite ISD and their E-rate consultant to comply with all rules and guidelines for Funding Year 2002.

It is the opinion of Goldthwaite ISD that they clearly:

- (1) Established an Internet Access contract in Funding Year 2001 that would be renewed annually;
- (2) Cited their intent for Internet Access services by posting a new Form 470 for Funding Year 2002 before extending the existing contract;

- (3) Complied with competitive bidding requirements; and
- (4) Cited their intent to renew the existing Internet Contract by referencing the establishing Form 470 Application Number 906510000296580 on Form 471 Block 5 for Funding Year 2002 FRN's 743654 & 743662.

The above-mentioned explanations are supported by the following Form 470 & Form 471 facts:

Funding Year 2001

For Funding Year 2001 the E-rate consultant on behalf of Goldthwaite ISD posted a Form 470 (Application # 906510000296580) on 09/26/2000 on the USAC website and, after waiting 28 days, Goldthwaite ISD entered into a contract for Internet Access with Central Texas Communications (SPIN 143004099). According to the contract, "the term will be from July 1, 2001 and continue through June 30, 2002 and will be renewed annually." Specifically, the contract will be renewed for another year and does not convert to a month-to-month contract. Furthermore, according to the Goldthwaite E-rate consultant, this is the establishing Form 470 for Internet Access and is to be referenced on future Forms 471 until a new contract is signed. It is important to note that no new contract was signed during the 2001-2006 E-rate Funding Years.

Funding Year 2002

For Funding Year 2002 the E-rate consultant on behalf of Goldthwaite ISD posted a new Form 470 Application Number 918210000370446 on 10/15/2001.

Form 470 Block 2, Item #7:

- The Goldthwaite E-rate consultant read this statement: "*Note: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract do NOT require filing of a Form 470*" and interpreted it to mean that no new contract was needed because a contract for Internet Access was previously executed pursuant to posting of new a Form 470 and an existing contract was in place and is to be renewed annually.
- Specifically, The contract extension was not reported on Block 2 Item #7 because a signed, written contract executed pursuant to posting of a Form 470 in a previous program year (specifically Funding Year 2001) was in place AND the Funding Year 2002 Form 470 did NOT list multi-year or voluntary extensions as an option for the applicant to check (✓). As a result, Goldthwaite was not able to cite voluntary contract extensions for Funding Year 2002 on Form 470.

Form 470 Block 2 Item #9:

- The establishing contract as cited on Form 470 Application 906510000296580 was extended each year for an additional year with the extension being indicated

on the cited Funding Year 2002 Form 470 Block 2 Item #9 as the E-rate consultant checked (✓) that Internet services were being sought. Goldthwaite then waited 28 days to comply with competitive bidding requirements before they submitted Form 471.

Form 471 Application Number 291045 was signed on 12/20/2001 and cited the establishing Form 470 Application Number 906510000296580 for Internet access on the following Block 5's.

- Block 5, FRN: 743654
 - Category of Service: Internet Access
 - 470 Application Number: 906510000296580
 - Contract Award Date: 12/13/2000
 - Service State Date: 07/01/2002
 - Contract Expiration Date: 06/30/2003
- Block 5, FRN: 743662
 - Category of Service: Internet Access
 - 470 Application Number: 906510000296580
 - Contract Award Date: 12/13/2000
 - Service State Date: 07/01/2002
 - Contract Expiration Date: 06/30/2003

It is important to note that Goldthwaite ISD established a pattern of referencing the establishing Form 470 Application number for Internet Access on Form 471 Block 5 for these consecutive Funding Years: 2001, 2002, 2003, 2004, 2005 and 2006.

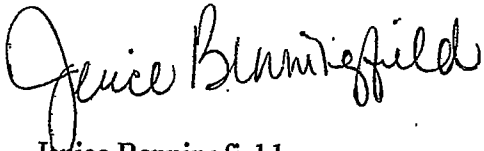
The following forms are attached are attached to support the above-mentioned statements.

- Copy of the original contract establishing Internet Access with Central Texas Communications is attached which clearly documents the language that the contract will be renewed annually.
- Copy of the Funding Year 2001 Form 470 (Application Number 906510000296580), which clearly documents this form as the establishing Form 470 for the Internet Access contract.
- Copy of Form 470 & Form 471 for Funding Year 2002 to support and document the intent and good faith effort of Goldthwaite ISD to post a new Form 470 and cite the request for Internet access on Form 470 before extending the existing contract; comply with bidding requirements; and to reference the establishing Form 470 Application Number on Form 471 Block 5 for FRN's 743654 & 743662.

Because these documents show that Goldthwaite ISD posted a new FCC Form 470 before extending the existing contract; they referenced the establishing Form 470 for the Internet

Access and complied with the competitive bidding requirements, Goldthwaite ISD is
respectfully requesting USAC to dismiss the Funding Commitment Adjustments for FRN
1118630.

Sincerely,

A handwritten signature in cursive script that reads "Jenice Benningfield". The signature is written in dark ink and is positioned above the printed name and title.

Jenice Benningfield
Technology Director
Goldthwaite ISD

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Peggy York

325-938-5768

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August 13, 2007

Jose Diaz 973-599-6525
Associate Manager
Program Compliance Unit

RE: Goldthwaite ISD, Application Number: 344731, FRN's 928977 & 928981

Goldthwaite ISD posted Form 470 # 237330000422745 to extend an existing Internet Contract. Goldthwaite cited the intent for Internet Access on FY 2003 Form 470 # 237330000422745 by listing Internet Access on Block 2 Item #8 under the Telecommunications Services category of Service. Goldthwaite then waited 28 days to comply with competitive bidding requirements before they submitted Form 471.

Attached is the October 18, 2002 archived document that lists the eligible services for Finding Year 2003. Please refer to Telecommunication Services Section, specifically, page 6. You will find where Internet Access is listed as an eligible service under the Telecommunications Services category of service.

Also attached is page 2 of FY 2003 Form 470 # 237330000422745 which clearly documents the request for Internet Access under the category of Telecommunications Services.

It is the opinion of Goldthwaite ISD that they clearly documented their intent to extend an existing Internet contract by posting a new Form 470 for FY 2003 and requesting Internet Access under the service category of Telecommunications Service on Block 2 #8 in order to comply with competitive bidding requirements. Therefore their appeal should be approved.

Sincerely,



Jenice Benningfield

September 6, 2007

Jose Diaz 973-599-6525
Program Compliance Unit

RE: Goldthwaite ISD, Application Number: 344731, FRN's 928977 & 928981

Goldthwaite complied with competitive bidding requirements, specifically,

- Goldthwaite ISD opened a competitive bidding process for Funding Year 2003 when they posted Form 470 application # 237330000422745;
- Goldthwaite then described specific services for support. For example, they listed Internet Access as a service requested for Funding Year 2003;
- Goldthwaite then identified the Telecommunications category of service and listed Internet Access under this category of service;
- Internet Access is an eligible service under the Telecommunications category of service;
- Goldthwaite identified all recipients of services for support;
- Followed all applicable state and local procurement laws; and
- Waited 28 days after the Form 470 is posted to the USAC website before selecting a vendor.

It is important to note that Goldthwaite did not receive one single bid in response to posting Funding Year 2003 Form 470 for any of the services requested.

Goldthwaite Requested a Category of Service

When Goldthwaite ISD posted Funding Year 2003 Form 470 application # 237330000422745 they specified Internet Access as a Telecommunications category of service; however, FRN's 928977 & 928981 on Block 5 of Form 471 listed Internet Access as the Service Category for the Internet Access service. Because of the change in category of service for Internet access it would appear that a category of service wasn't posted for Internet Access; however, Internet Access was indeed posted on Form 470 under the Telecommunications category of Service. It is important to note that According to Step 8 regarding Form 471 -- "If applicants make errors in specifying the proper category of service, USAC may adjust the category" and in this situation because Internet Access was posted on Form 470 and Form 471 and Item 21 attachments for FRN's 928977 & 928981 were attached, the USAC reviewers could have adjusted the category of service.

Request for Appeal to be Approved

It is purely an error that Internet Access is specified as a Telecommunications category of service on Form 470 and is specified as an Internet Access category of service on Form 471 Application # 344731. The technical error however, doesn't warrant the FRN's to be denied when it is clear that Goldthwaite posted a Form 470 for Internet Access and requested Internet Access service on Form 471 for 928977 & 928981 and provided supporting Item 21 Attachments.

With the service category for Internet Service being posted on both Form 470 and Form 471 this clearly shows the intent of Goldthwaite ISD to request and receive discounts on Internet Access services and does not warrant the denial of FRN's 928977 & 928981. This is not a case of fraud

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Peggy York

325-938-5768

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or abuse, but an error in specifying the proper category of service. Therefore, Goldthwaite ISD is respectfully requesting their appeal to be approved.

Sincerely,



Jenice Benningfield
Technology Director
Goldthwaite ISD